

The article was alleged to be misbranded in that the statement "Red Sour Cherries Pitted", borne on the label, was false and misleading when applied to partially pitted red sour cherries. It was alleged to be misbranded further in that it fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food since it consisted of partially pitted water-pack red sour cherries and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it was below such standard and showing that it consisted of partially pitted water-pack red sour cherries.

On February 8, 1937, the Pacific Fruit & Produce Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it be relabeled in compliance with the law.

W. R. GREGG, *Acting Secretary of Agriculture.*

27067. Adulteration of apples. U. S. v. 30 Crates of Apples. Default decree of condemnation and destruction. (F. & D. no. 38742. Sample no. 26003-C.)

This product was contaminated with arsenic and lead.

On November 13, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 crates of mixed apples at Chicago, Ill., alleging that they had been shipped in interstate commerce on or about November 8, 1936, by Hyman Doniger from Bangor, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On December 29, 1936, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27068. Adulteration of concentrated tomato. U. S. v. 36 Cases of Concentrated Tomato. Default decree of condemnation and destruction. (F. & D. no. 38781. Sample no. 25732-C.)

This product contained excessive mold.

On December 14, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 36 cases of concentrated tomato at Chicago, Ill., alleging that it had been shipped in interstate commerce on or about November 10, 1936, by John S. Mitchell, Inc., from Sharpsville, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Concentrated Tomato * * * Liberty Bell Brand * * * Packed Expressly For R. Gerber & Co., Chicago, Ill. Guaranteed under all Food Laws Made in U. S. A."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On January 27, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27069. Adulteration of Brazil nuts. U. S. v. 27 Baskets of Brazil Nuts. Default decree of condemnation and destruction. (F. & D. no. 38785. Sample no. 23856-C.)

These nuts were moldy and rancid.

On December 10, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 baskets of Brazil nuts at Seattle, Wash., alleging that they had been shipped in interstate commerce on or about September 26, 1935, by General Food Sales Co., Inc., from Hoboken, N. J., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "King Cole Large Rite Brazil Nuts."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On March 18, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*